

3

Peter Cianchetta, SBN: 220971  
LAW OFFICE OF PETER CIANCHETTA  
8830 Elk Grove Blvd.  
Elk Grove, California 95624  
Ph: (916) 685-7878

**Attorney for Debtors:  
JIMMIE RAY JONES & RUBY GEAN JONES**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re:

Case No.: 2010-24877-C-7

## JIMMIE RAY JONES

Mtn. Ctrl. No. PLC-01  
Hearing Date: March 22, 2010  
Time: 2:30

## RUBY GEAN JONES

Time: 9:30 a.m.  
**The Honorable Christopher M. Klein**  
Courtroom: Dept. C, Courtroom 35

**,Debtors**

**MOTION TO COMPEL THE TRUSTEE TO ABANDON  
THE ESTATE'S INTEREST IN REAL PROPERTY**

JIMMIE RAY JONES and RUBY GEAN JONES, the Debtors and Petitioners herein, hereby move this Court for an Order Compelling the Trustee to Abandon the Estate's Interest in Real Property. In support of this Motion, the Debtors respectfully represent:

1. The Petitioners are the Debtors in Chapter 7 in the above-captioned bankruptcy case, having filed a petition for relief on March 1, 2010. Michael Kasolas has been duly appointed to serve as the Chapter 7 Trustee on this case.
  2. This motion is brought pursuant to 11 U.S.C. §554(b) and (d) and Rule 6007(b) of the Federal Rules of Bankruptcy Procedure.
  3. The Schedules filed on this case disclose the Debtors' interest in the real property commonly-known as 9189 Grove Street in Elk Grove, California (hereinafter, the

1 "ASSET"). The Debtors believe and assert that the reasonable, fair-market value of  
2 the ASSET is \$283,000.

- 3 4. This asserted value is based on the opinion of the Debtors. The Declaration of the  
4 Debtors in support of this value is filed concurrently with this Motion and  
5 incorporated herein by reference.  
6
- 7 5. As shown in Schedule D of the filed case, there is a creditor that holds a security  
8 interest in the ASSET. Specifically, Saxon Mortgage holds a secured claim totaling  
9 \$325,632.00.  
10

10 6. In summary

11 Value of ASSET .....	\$283,000.00
12 Less: Secured lien .....	<u>\$325,632.00</u>
13 Adjusted Equity .....	<b><u>-\$42,632.00</u></b>
14 Less: Exemption claimed .....	<b><u>\$1.00</u></b>
15 Net Equity .....	<b><u>-\$42,633.00</u></b>

- 17 7. Based on the foregoing and the Declaration filed herewith, the Debtors assert that  
18 the value of the estate's interest in the ASSET is \$0.00.  
19
- 20 8. The Debtors further assert that the ASSET is of inconsequential value and  
21 burdensome to the estate.  
22  
23  
24  
25  
26  
27  
28

## **RESTATEMENT**

WHEREFORE, the Debtors move the Court to order the Abandonment of the Estate's interest in the real property commonly-known as 9189 Grove Street in Elk Grove, California.

## CERTIFICATION

I, Peter Cianchetta, hereby certify under penalty of perjury that I have read the foregoing Motion to Compel the Trustee to Abandon the Estate's Interest in Real Property. I further certify that the contents thereof are true and correct to the best of my knowledge and belief. Executed at Elk Grove, California on March 3, 2010.

  
Peter Cianchetta  
Law Office of Peter Cianchetta